



**Request for City Council Committee Action
From the City Attorney's Office**

Date: June 4, 2002
To: Ways & Means/Budget Committee
Referral to: None

Subject: Terry Shingledecker and Beverly Shingledecker v. Ervin Hechtel and the City of Minneapolis

Recommendation: That the City Council approve settlement of this case by payment of \$30,000.00 to Plaintiffs Terry Shingledecker and Beverly Shingledecker and their attorney, Richard Schultz, from Fund/Org. 6900 150 1500 6900.

Previous Directives: None

Prepared by: Edward Backstrom, Assistant City Attorney Phone: 673-2072

Approved by: Jay M. Heffern
Jay M. Heffern
City Attorney

Presenter in Committee: Jay M. Heffern, City Attorney

Financial Impact (Check those that apply)

- ☐ No financial impact - or - Action is within current department budget.
(If checked, go directly to Background/Supporting Information)
- ☐ Action requires an appropriation increase to the Capital Budget
- ☐ Action requires an appropriation increase to the Operating Budget
- ☐ Action provides increased revenue for appropriation increase
- ☐ Action requires use of contingency or reserves
- ☒ Other financial impact (Explain): Fund/Org. 6900 150 1500 6900
- ☐ Request provided to the Budget Office when provided to the Committee Coordinator

Community Impact:

City Goals: Build Community

Background/Supporting Information

This lawsuit arises from an accident which occurred on January 9, 1997, on northbound Chicago Avenue South, north of the intersection with Lake Street. The accident occurred when the Plaintiff, Terry Shingledecker, stopped his vehicle to let southbound traffic clear so that he could make a left-hand turn mid-block from Chicago Avenue. Mr. Shingledecker claims he signaled his turn. A City truck driven by Ervin Hechtel, a Water Department employee, was

approaching Mr. Shingledecker and failed to stop in time to avoid striking Mr. Shingledecker's vehicle. It had been snowing and the roads were wet and slush covered. Mr. Shingledecker's vehicle sustained approximately \$1,000.00 in damage as a result of the accident.

Mr. Shingledecker claimed that he sustained injuries to his neck, cervical spine, and right shoulder as a result of the accident. A subsequent MRI showed a moderate compression of the right C-7 nerve root due to a combination of moderate uncinate spurring and a superimposed 2-3 mm lateral disc herniation. He also had an EMG which showed findings consistent with right C-7 radioculophy. The injury to his right shoulder resulted in a rotator cuff tear for which he had surgery in December 1997.

Mr. Shingledecker has had two other accidents. The first in 1995 caused injury to his left shoulder and left knee. In 1998, before he had recovered from the surgery on his right shoulder, he had another automobile accident which further injured his right shoulder necessitating further surgery.

An IME was done and Dr. Szalapski indicated that the permanent injury to Plaintiff's shoulder was 50% the result of the 1997 accident. Plaintiff cannot use his arms above his head, and the doctor found that he could therefore no longer perform his job in the lighting maintenance business. The doctor further stated that the neck pain caused by the accident was an exacerbation of a preexisting condition.

The Plaintiff claims he has \$34,000 in medical expenses and demanded \$75,000 to settle the matter. His wife claim is for loss of consortium. The matter was mediated and settlement was reached subject to the approval of the City Council. The City will pay the Plaintiffs the sum of \$30,000.00 in full settlement of all claims. This is within the settlement range arrived at by the City Attorney's Office for settlement of the matter. This settlement is reasonable because the City vehicle rear-ended Mr. Shingledecker's vehicle making it likely that the City driver will be found to be negligent. The accident did cause a shoulder injury which required surgery to correct, and which resulted in a permanent injury to his shoulder which our doctor says is 50% the result of the 1997 accident.